

Dean G. Rallis Jr. (# 94266)
drallis@afrcr.com
Matthew D. Pham (# 287704)
mpham@afrcr.com
ANGLIN, FLEWELLING, RASMUSSEN,
CAMPBELL & TRYTTEN LLP
301 N. Lake Ave., Suite 1100
Pasadena, California 91101-4158
Tel: (626) 535-1900 | Fax: (626) 577-7764

Attorneys for WELLS FARGO BANK, N.A.,
successor by merger with Wells Fargo Bank
Southwest, N.A., f/k/a Wachovia Mortgage,
FSB, f/k/a/ World Savings Bank, FSB

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

In re
LAURA A. GENS,
Debtor.

Case No.: 5:15-bk-53562-SLJ

Chapter 7

**DECLARATION OF DEAN G. RALLIS
JR. IN SUPPORT OF WELLS FARGO'S
MOTION FOR ORDER COMPELLING
CORNERSTONE TITLE COMPANY'S
COMPLIANCE WITH PRIOR COURT
ORDERS REGARDING
DISBURSEMENT OF REMAINING
SALE PROCEEDS**

Date: September 12, 2018
Time: 2:00 p.m.
Place: 280 South First Street
Courtroom 3099
San Jose, California 95113

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1 I, Dean G. Rallis Jr., declare as follows:

2 1. I am an attorney licensed to practice before the Court and employed by the law
3 firm Anglin, Flewelling, Rasmussen, Campbell & Trytten LLP ("AFRCT"), counsel of record
4 for secured creditor Wells Fargo Bank, N.A., as successor by merger with Wells Fargo Bank
5 Southwest, N.A., formerly known as Wachovia Mortgage, FSB, which was formerly known as
6 World Savings Bank, FSB ("Wells Fargo"), in the above-captioned chapter 7 case of the debtor
7 Laura A. Gens (the "Debtor").

8 2. I make this declaration in support of Wells Fargo's motion for entry of an order
9 compelling Cornerstone Title Company to comply with the prior court orders regarding the
10 disbursement of the remaining sale proceeds. The statements set forth in this declaration are
11 based upon my own personal knowledge. If called to testify, I could and would, without waiver
12 of any applicable privilege, testify that the facts stated in this declaration are true and correct to
13 the best of my knowledge and information.

14 3. After the Court's entry of the *Order Approving Motion for Authority to Enter Into*
15 *Agreement Authorizing Distribution of Sale Proceeds* (the "Distribution Order") on
16 July 19, 2018, Wells Fargo, through its counsel, and the chapter 7 trustee Doris Kaelin (the
17 "Trustee"), through her counsel Gregg Kleiner, worked and communicated with Cornerstone
18 Title Company ("Cornerstone") to ensure that it had everything it needed to disburse the
19 remaining sale proceeds in accordance with the Distribution Order and the *Agreement*
20 *Authorizing Distribution of Sale Proceeds* (the "Distribution Agreement") between Wells Fargo
21 and the Trustee that was approved under the Distribution Order. In these communications, Wells
22 Fargo and the Trustee were primarily dealing with Martha Buchanan, senior escrow officer at
23 Cornerstone, and Kevin Sachs, senior counsel at Title Resource Group, LLC (acting as in-house
24 counsel for Cornerstone). After various communications by phone and email over the past few
25 weeks, due to the lack of consent from the debtor Laura Gens (the "Debtor"), Cornerstone
26 expressed its unwillingness to disburse any of the approximately \$3,501,869.88 in remaining sale
27 proceeds, of which \$2,830,667.92 is earmarked for Wells Fargo under the Distribution
28 Agreement and Distribution Order.

4. In accordance with the Distribution Agreement, on or about July 30, 2018, I caused a letter to be mailed to Ms. Buchanan, which included Wells Fargo's amended payoff statement (reflecting a payoff demand of \$2,830,667.92) and an original and executed copy of Wells Fargo's reconveyance of its lien securing the Property (the "July 30 Demand").

5. In an email from Mr. Kleiner on August 2 (the "August 2 Kleiner Email"), Mr. Kleiner provided Cornerstone with a summary of the bankruptcy proceedings, including details regarding the Court's entry of the *Order Releasing Sale Proceeds* entered on December 17, 2017 (the "Proceeds Order"), the parties' Distribution Agreement, and the Court's entry of the Distribution Order. Mr. Kleiner ended his email stating that "at this junction, I do not believe Cornerstone can decline to follow the [Proceeds Order], the Distribution Order and the July 30 Demand." A true and correct copy of the August 2 Kleiner Email, which I received on August 2, 2018, at approximately 2:07 p.m., is attached hereto as **Exhibit 1**.

6. In an email from Mr. Sachs to Mr. Kleiner and Alex Naegele, counsel for the Debtor, on August 7 (the "August 7 Sachs Email"), Mr. Sachs requested that Mr. Naegele "send a letter to [Ms. Buchanan] . . . indicating that you consent to Cornerstone's release of the escrow funds pursuant to the instructions it receives from the trustee" and informed Mr. Kleiner that "[t]he process will also need to comply with the terms of the agreement set forth within the trustee's declaration, such as the provision by Wells Fargo of an updated payoff demand and reconveyance, to the extent that has not already occurred." At the end of the email, Mr. Sachs stated, "With that, we should be OK with disbursement."

7. In response to the August 7 Sachs Email, Mr. Kleiner, in an email on August 7 (the "August 7 Kleiner Email"), stated, "The instructions from the bank follow and comply with the provision of the court's order and the distribution agreement." A true and correct copy of the August 7 Kleiner Email, which I received on August 7, 2018, at approximately 5:05 p.m., is attached hereto as **Exhibit 2**. The August 7 Kleiner Email also included a copy of the August 7 Sachs Email.

8. In response to the August 7 Sachs Email, Mr. Naegele, in an email on August 9 (the "First August 9 Naegele Email"), stated, "I asked my client if they would provide a general

release to the title company and the answer was ‘no.’”

9. In response to the First August 9 Naegele Email, Mr. Sachs, in an email on August 9 (the “First August 9 Sachs Email”), responded, “We do not need a general release. A letter indicating that your client consents to Cornerstone’s release of the escrow funds pursuant to the instructions it receives from the trustee is sufficient. We simply do not want to be in the position of being blamed for the release of the funds.”

10. And in response to the First August 9 Sachs Email, Mr. Naegele, in another email on August 9 (the “Second August 9 Naegele Email”), stated, “This is what I am unable to get from my client: ‘We simply do not want to be in the position of being blamed for the release of the funds.’” He further provided, “My client . . . is not willing to release the escrow company in any way shape or form, which is effectively what you are asking my client to do.” A true and correct copy of the Second August 9 Naegele Email, which I received on August 9, 2018, at approximately 3:26 p.m., is attached hereto as **Exhibit 3**. The Second August 9 Naegele Email also included copies of the First August 9 Naegele Email and the First August 9 Sachs Email.

11. And in response to the Second August 9 Naegele Email, Mr. Sachs, in another email on August 9 (the “Second August 9 Sachs Email”), stated the following: “Let me propose this: The parties provide you with a copy of their instructions to escrow. Your client then consents to escrow following those specific instructions, but nothing else, and she can make clear that she reserves any rights to argue that she is entitled to some or all of the funds. It’s not a release, just a consent for escrow to take a specific, limited action. She could still have recourse if escrow failed to follow the instructions to which she consented. Shouldn’t that address her concerns?” A true and correct copy of the Second August 9 Sachs Email, which I received on August 9, 2018, at approximately 4:36 p.m., is attached hereto as **Exhibit 4**.

12. In an email from me to Mr. Sachs on August 9 (the “August 9 Rallis Email”), I stated, “The Court’s order seems fairly clear: ‘Cornerstone Title Company is directed to release the proceeds generated from the sale of the Property.’ . . . This should be sufficient.” A true and correct copy of the August 9 Rallis Email, which I sent on August 9, 2018, at approximately 6:18 p.m., is attached hereto as **Exhibit 5**.

13. In response to the August 9 Rallis Email, Mr. Sachs, in an email on August 9 (the “Third August 9 Sachs Email”), responded, “I don’t think that’s necessarily correct. Regardless, we seem to be making some progress, so unless you good folks are inclined to indemnify us for any loss or attorney’s fees we may incur related to the release of the funds, let’s keep moving down this path and hopefully things will be wrapped up soon.” A true and correct copy of the Third August 9 Sachs Email, which I received on August 9, 2018, at approximately 7:15 p.m., is attached hereto as **Exhibit 6**.

14. In an email from Mr. Naegele to Mr. Sachs on August 13 (the “August 13 Naegele Email”), Mr. Naegele stated, “The client has now given me express instructions to withdraw my prior non-opposition to the distribution of funds and to state that the client’s official position is that they do not consent to the distribution of fund [sic] on any grounds.” A true and correct copy of the August 13 Naegele Email, which I received on August 13, 2018, at approximately 11:48 a.m., is attached hereto as **Exhibit 7**.

15. In response to the August 13 Naegele Email, Mr. Sachs, in an email on August 13 (the “August 13 Sachs Email”), stated, “I would guess that your client’s lack of a position at this point in time will not satisfy the other parties, and it is frankly frustrating for Cornerstone, as there are clear procedural steps that your client can take if she disputes the order in question. Accordingly, Cornerstone may very well decide to interplead the funds as a result of the dispute.” A true and correct copy of the August 13 Sachs Email, which I received on August 13, 2018, at approximately 12:34 p.m., is attached hereto as **Exhibit 8**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on August 16, 2018, at Copenhagen, Denmark.

/s/ Dean G. Rallis Jr.
Dean G. Rallis Jr.

EXHIBIT 1

From: Gregg Kleiner <gkleiner@rinconlawllp.com>
Sent: Thursday, August 02, 2018 2:07 PM
To: Michael.Dullea@TitleResources.com
Cc: Dean G. Rallis; Doris; Buchanan, Martha (CTC); Sierra, Randy (CTC)
Subject: Gens – 4141 Old Trace Road, Palo Alto, California – Appeal of Distribution Agreement
Attachments: Doc 361 Order Granting Sale Motion.pdf; Doc 447 Cornerstone Order.pdf; Doc 444 - Application to allow Cornerstone to Hold Sale Proceeds.pdf; Doc 444 - Decla ISO Application to allow Cornerstone to Hold Sale Proceeds.pdf; Doc 474 Order Releasing Proceeds (Gens).pdf; RE: In re Gens - Old Trace Road ; In re Gens 4141 Old Trace Road, Palo Alto, California ; RE: In re Gens 4141 Old Trace Road, Palo Alto, California ; Doc 483 Declaration on Motion to Distribute.pdf; Doc 503 Order Approvng Distribution Agreement.pdf; Re: In re Gens - 4141 Old Trace Road; FW: Escrow No. CU-6717; Loan No. 0483067385; Property Address: 4141 Old Trace Road, Palo Alto, California 94306; Doc 507-1 Noitce of Appeal of Distribution Agreement.pdf; Doc 507 Noitce of Appeal of Distribution Agreement.pdf

Mike,

Thank you for taking time to speak with me earlier today. Per your request, I have put together the following summary of the facts and circumstances related to the sale proceeds generated from 4141 Old Trace Road, Palo Alto, California (the “Property”). I believe you will agree, when you are done reviewing this e-mail and the attachments, that Cornerstone Title must release from the third party escrow the approximately \$3.52 million in sale proceeds (“Proceeds”).

On June 6, 2017, the Bankruptcy Court authorized Doris Kaelyn, the Chapter 7 Trustee (“Trustee”) for the bankruptcy estate of Laura Gens (“Debtor”) to sell the Property (“Sale Order”). A copy of the Sale Order is attached. The Property was encumbered by a first priority lien in favor of Wells Fargo Bank. At the time that the Sale Order was entered, Wells Fargo Bank was owed approximately \$2.8 million. Because the Sale Order provided that the Property would be sold free and clear of Wells Fargo’s lien, with its lien to reattach to the sale proceeds, Wells Fargo declined to deliver to Cornerstone a deed of reconveyance.

Soon after the sale order was entered, the Debtor and her non-debtor spouse, Timothy Gens, filed appeals of the sale order and an appeal of the Bankruptcy Court’s order expunging two lis pendens that the Debtor recorded against the Property in May and June of 2017 (“Appeals”).

Following multiple conversations with you and Randy Sierra, Cornerstone Title agreed (thank you!!) to close escrow on the sale of the Property, provided, however, that the Proceeds remained in escrow until the resolution of the Appeals and such time as Wells Fargo Bank agreed to deliver its deed of reconveyance with regard to its senior lien encumbering the Property.

In order to provide comfort to Cornerstone in closing the sale, my office filed the attached application, declaration and obtained the “Order Authorizing Cornerstone Title Company to Hold Sale Proceeds” (“Escrow Order”). The Escrow Order, dated August 14, 2017, provides that Cornerstone shall hold the Proceeds in an interest-bearing account until further order of the Court.

In October 2017, the United States District Court for the Northern District of California entered its orders dismissing the Appeals. Following the entry of the orders dismissing Appeals, Cornerstone Title amended the

title policy for the Property and removed, as an exception, the Appeals. See attached email chain with Randy dated November 28, 2017.

On December 18, 2017, the Bankruptcy Court issued an order instructing Cornerstone to release the Proceeds that were maintained in escrow and *dissolved the Escrow Order* ("Proceeds Release Order"). A copy of the Proceeds Release Order is attached. Following the entry of the Proceeds Release Order, I communicated with Randy Sierra with regard to Cornerstone's position with regard to this order. Per the attached February 6, 2018 exchange of e-mails with Randy, Randy confirmed that Cornerstone would be agreeable to releasing the funds from escrow at such time as Wells Fargo Bank delivered a recordable deed of reconveyance for the Property.

In May 2018, the Trustee and Wells Fargo entered into a distribution agreement with regard to the Proceeds ("Distribution Agreement"). A copy of the Distribution Agreement is attached (it is an exhibit to the Trustee's declaration filed in support of her motion seeking Bankruptcy Court authorization to enter into the Distribution Agreement). The Distribution Agreement provides, among other things, that the Proceeds maintained in the escrow account can be released to the Trustee and to Wells Fargo as provided in paragraph 3, conditioned upon Wells Fargo delivering to Cornerstone a recordable deed of reconveyance with regard to the Property.

On May 17, 2018, Randy sent an email confirming that Cornerstone was satisfied with the provisions of the Distribution Agreement. A copy is attached. Please note that paragraph 2 of the Distribution Agreement provides to Cornerstone the documents it required to release the Proceeds – a recordable deed of reconveyance with regard to the Property.

On July 19, 2018, the Bankruptcy Court issued its "Order Approving Motion for Authority to Enter Into Agreement Authorizing Distribution of Sale Proceeds" ("Distribution Order"). A copy of the Distribution Order is attached. The Distribution Order overrules the Debtor's objection to the Distribution Agreement.

On or about July 30, 2018, Wells Fargo delivered to Martha, at Cornerstone Title, a revised set of escrow instructions (based on the provisions of the Distribution Agreement approved by the Distribution Order) and an original deed of reconveyance with regard to the Property ("July 30 Demand").

On August 1, 2018, the Debtor filed an appeal of the Distribution Order. The Debtor has not sought and no court has issued a stay of the Distribution Order. Notwithstanding a provision in the Distribution Agreement calling for the Distribution Order to be a final order (see paragraph 2), Wells Fargo has agreed to waive this provision. I've open copied Dean Rallis, counsel for Wells Fargo. If you have questions about the bank's position, please contact him. drallis@afrc.com (626) 204-0261

As noted above, the Distribution Agreement and the Distribution Order simply provides a mechanism by which the Proceeds will be delivered by Cornerstone to Wells Fargo and the Trustee.

I trust, after your review of these numerous documents and pleadings, you'll agree that, save entry of an order staying the Distribution Order, there is no reason for Cornerstone not to comply with the provisions of the Proceeds Release Order and the Distribution Order. As you will note from the paragraph 3 of the Distribution Agreement and its July 30 Demand, Wells Fargo Bank is to receive \$2,830,667.90 from the Proceeds, and the balance of the Proceeds are to be delivered to the Trustee.

In the event that a court, on appeal, reverses the Bankruptcy Court's ruling and the ultimate result is that the parties are required to return the Proceeds, they will do that. However, at this juncture I do not believe that Cornerstone can decline to follow the Proceeds Release Order, the Distribution Order and the July 30 Demand.

I realize this is a very complicated matter. Please feel free to contact me if you have questions or additional concerns. We look forward to hearing from you soon.

Gregg

Gregg S. Kleiner
Rincon Law LLP
(415) 840-6385 (Direct)
(415) 672-5181 (Main)
(415)-996-8180 (Cell)
gkleiner@rinconlawllp.com

EXHIBIT 2

From: Gregg Kleiner <gkleiner@rinconlawllp.com>
Sent: Tuesday, August 07, 2018 5:05 PM
To: Kevin.Sachs@trgc.com; Alex Naegele
Cc: Doris Kaelin; Martha Buchanan; Dean G. Rallis
Subject: FW: Gens

Kevin and Alex,

Ms. Buchanan has received instructions from the Bank. I do not have access to them at the moment (I'm on my way out of town on a short vacation). The instructions from the bank follow and comply with the provisions of the court's order and the distribution agreement. The trustee will work with Ms. Buchanan in getting her instructions signed.

Thank you both for your assistance.

Gregg

Gregg S. Kleiner
gkleiner@rinconlawllp.com
(415) 996-8180

----- Forwarded message -----

From: **Sachs, Kevin A. (TRG)** <Kevin.Sachs@trgc.com>
Date: Tue, Aug 7, 2018 at 3:23 PM
Subject: RE: Gens
To: Gregg Kleiner <kleinergs@gmail.com>, "alex@canlawcorp.com" <alex@canlawcorp.com>
Cc: "Buchanan, Martha (CTC)" <Martha.Buchanan@cstitleco.com>

Alex - I would appreciate if you could send a letter to Martha Buchanan (copied) at the address below indicating that you consent to Cornerstone's release of the escrow funds pursuant to the instructions it receives from the trustee (with an email copy to me and Ms. Buchanan).

Gregg - we will need the trustee to sign disbursement/wiring instructions. Ms. Buchanan can assist in that regard. The process will also need to comply with the terms of the agreement set forth within the trustee's declaration, such as the provision by Wells Fargo of an updated payoff demand and reconveyance, to the extent that has not already occurred.

With that, we should be OK with disbursement.

Martha Buchanan | Senior Escrow Officer
CornerStone Title Company
10125 S. De Anza Boulevard
Cupertino, CA 95014

Kevin A. Sachs
Senior Counsel
Title Resource Group, LLC

-----Original Message-----

From: Gregg Kleiner <kleinergs@gmail.com>
Sent: Tuesday, August 7, 2018 1:30 PM
To: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>
Cc: alex@canlawcorp.com
Subject: Gens

Kevin,

I am in court with Alex Naegele. He just confirmed that he has no opposition to your client distributing the escrowed funds. He will confirm this if you ask

Gregg

Gregg

BEWARE OF CYBER-FRAUD - Before wiring any funds, call the intended recipient at a number you know is valid to confirm the instructions and be very wary of any request to change wire instructions you already received.

This email may be confidential. If you are not the intended recipient, please notify us immediately and delete this copy from your system.

*** In our ongoing Focus on your security we have changed our Encryption provider to Proofpoint Encryption. This may require you to create a new account ***

EXHIBIT 3

From: Alex Naegele <alex@canlawcorp.com>
Sent: Thursday, August 09, 2018 3:26 PM
To: Sachs, Kevin A. (TRG)
Cc: Gregg Kleiner; Dean G. Rallis
Subject: Re: Gens

This is what I am unable to get from my client:

" We simply do not want to be in the position of being blamed for the release of the funds."

As I stated before, I don't think my appeal (regarding the limited issue of Wells Fargo being able to be paid and retain its lien) nor any stay pending appeal (which I do not intend to file for this limited appeal) in any way affects the escrow company's ability to pay the Trustee's professionals or the bank. I've spoken with Mr. Kleiner and Mr. Rallis regarding the law and they agree that this is what the law says.

My client, however, is not willing to release the escrow company in any way shape or form, which is effectively what you are asking my client to do.

On Thu, Aug 9, 2018 at 2:36 PM, Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com> wrote:

We do not need a general release. A letter indicating that your client consents to Cornerstone's release of the escrow funds pursuant to the instructions it receives from the trustee is sufficient. We simply do not want to be in the position of being blamed for the release of the funds.

Kevin A. Sachs

Senior Counsel

Title Resource Group, LLC

From: Alex Naegele <alex@canlawcorp.com>
Sent: Thursday, August 9, 2018 2:10 PM
To: Gregg Kleiner <gkleiner@rinconlawllp.com>
Cc: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>
Subject: Re: Gens

Yes as I stated on the phone my appeal is limited to the bank being paid and retaining their lien. Moreover, I do not anticipate filing a motion for stay pending appeal.

I asked my client if they would provide a general release to the title company and the answer was "no".

This letter might be construed as a general release so I'm trying to get client authority to write it.

On Thu, Aug 9, 2018 at 12:44 PM, Gregg Kleiner <gkleiner@rinconlawllp.com> wrote:

Alex,

Can you please pass on the requested letter to Kevin today?

Thanks

Gregg Kleiner

Rincon Law LLP

(415)996-8180

gkleiner@rinconlawllp.com

Begin forwarded message:

From: "Sachs, Kevin A. (TRG)" <Kevin.Sachs@trgc.com>
Date: August 9, 2018 at 12:38:33 PDT
To: Gregg Kleiner <gkleiner@rinconlawllp.com>
Cc: "Buchanan, Martha (CTC)" <Martha.Buchanan@CSTitleCo.com>
Subject: Re: Gens

We have not yet received the letter from Alex.

On Aug 9, 2018, at 12:11 PM, Gregg Kleiner <gkleiner@rinconlawllp.com> wrote:

Kevin,

Any update on this?

Gregg Kleiner

Rincon Law LLP

(415)996-8180

gkleiner@rinconlawllp.com

On Aug 7, 2018, at 17:05, Gregg Kleiner <gkleiner@rinconlawllp.com> wrote:

Kevin and Alex,

Ms. Buchanan has received instructions from the Bank. I do not have access to them at the moment (I'm on my way out of town on a short vacation). The instructions from the bank follow and comply with the provisions of the court's order and the distribution agreement. The trustee will work with Ms. Buchanan in getting her instructions signed.

Thank you both for your assistance.

Gregg

Gregg S. Kleiner

gkleiner@rinconlawllp.com

(415) 996-8180

----- Forwarded message -----

From: **Sachs, Kevin A. (TRG)** <Kevin.Sachs@trgc.com>

Date: Tue, Aug 7, 2018 at 3:23 PM

Subject: RE: Gens

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Cc: "Buchanan, Martha (CTC)" <Martha.Buchanan@cstitleco.com>

Alex - I would appreciate if you could send a letter to Martha Buchanan (copied) at the address below indicating that you consent to Cornerstone's release of the escrow funds pursuant to the instructions it receives from the trustee (with an email copy to me and Ms. Buchanan).

Gregg - we will need the trustee to sign disbursement/wiring instructions. Ms. Buchanan can assist in that regard. The process will also need to comply with the terms of the agreement set forth within the trustee's declaration, such as the provision by Wells Fargo of an updated payoff demand and reconveyance, to the extent that has not already occurred.

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Martha Buchanan | Senior Escrow Officer
CornerStone Title Company
[10125 S. De Anza Boulevard](#)
Cupertino, CA 95014

Kevin A. Sachs
Senior Counsel
Title Resource Group, LLC

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Kevin,

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Gregg

Gregg

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This email may be confidential. If you are not the intended recipient, please notify us immediately and delete this copy from your system.

*** In our ongoing Focus on your security we have changed our Encryption provider to Proofpoint Encryption. This may require you to create a new account ***

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C. ALEX NAEGELE, A PROFESSIONAL LAW CORPORATION

95 S. Market Street, Suite 300 | San Jose, CA 95113

Tel: (408) 995-3224

Fax: (408) 890-4645

Email: alex@canlawcorp.com

Website: <http://www.canlawcorp.com>

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DISCLAIMER: The information contained herein is confidential. If you are not the intended recipient, please delete this e-mail from your computer system. General inquiries into the nature of legal services provided by this firm does not create an attorney-client relationship and should not be relied upon as creating an attorney-client relationship.

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**C. ALEX NAEGELE, A PROFESSIONAL LAW CORPORATION**

95 S. Market Street, Suite 300 | San Jose, CA 95113

Tel: (408) 995-3224

Fax: (408) 890-4645

Email: [alex@canlawcorp.com](mailto:alex@canlawcorp.com)

Website: <http://www.canlawcorp.com>

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EXHIBIT 4

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Sent: Thursday, August 09, 2018 4:36 PM
To: Alex Naegele
Cc: Gregg Kleiner; Dean G. Rallis
Subject: RE: Gens

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Kevin A. Sachs
Senior Counsel
Title Resource Group, LLC

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Sent: Thursday, August 9, 2018 3:26 PM
To: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>
Cc: Gregg Kleiner <gkleiner@rinconlawllp.com>; Dean G. Rallis <drallis@afrc.com>
Subject: Re: Gens

This is what I am unable to get from my client:

" We simply do not want to be in the position of being blamed for the release of the funds."

As I stated before, I don't think my appeal (regarding the limited issue of Wells Fargo being able to be paid and retain its lien) nor any stay pending appeal (which I do not intend to file for this limited appeal) in any way affects the escrow company's ability to pay the Trustee's professionals or the bank. I've spoken with Mr. Kleiner and Mr. Rallis regarding the law and they agree that this is what the law says.

My client, however, is not willing to release the escrow company in any way shape or form, which is effectively what you are asking my client to do.

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Kevin A. Sachs

Senior Counsel

Title Resource Group, LLC

From: Alex Naegele <alex@canlawcorp.com>
Sent: Thursday, August 9, 2018 2:10 PM
To: Gregg Kleiner <gkleiner@rinconlawllp.com>
Cc: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>
Subject: Re: Gens

Yes as I stated on the phone my appeal is limited to the bank being paid and retaining their lien. Moreover, I do not anticipate filing a motion for stay pending appeal.

I asked my client if they would provide a general release to the title company and the answer was "no".

This letter might be construed as a general release so I'm trying to get client authority to write it.

On Thu, Aug 9, 2018 at 12:44 PM, Gregg Kleiner <gkleiner@rinconlawllp.com> wrote:

Alex,

Can you please pass on the requested letter to Kevin today?

Thanks

Gregg Kleiner

Rincon Law LLP

(415)996-8180

gkleiner@rinconlawllp.com

Begin forwarded message:

From: "Sachs, Kevin A. (TRG)" <Kevin.Sachs@trgc.com>
Date: August 9, 2018 at 12:38:33 PDT
To: Gregg Kleiner <gkleiner@rinconlawllp.com>
Cc: "Buchanan, Martha (CTC)" <Martha.Buchanan@CSTitleCo.com>
Subject: Re: Gens

We have not yet received the letter from Alex.

On Aug 9, 2018, at 12:11 PM, Gregg Kleiner <gkleiner@rinconlawllp.com> wrote:

Kevin,

Any update on this?

Gregg Kleiner

Rincon Law LLP

(415)996-8180

gkleiner@rinconlawllp.com

On Aug 7, 2018, at 17:05, Gregg Kleiner <gkleiner@rinconlawllp.com> wrote:

Kevin and Alex,

Ms. Buchanan has received instructions from the Bank. I do not have access to them at the moment (I'm on my way out of town on a short vacation). The instructions from the bank follow and comply with the provisions of the court's order and the distribution agreement. The trustee will work with Ms. Buchanan in getting her instructions signed.

Thank you both for your assistance.

Gregg

Gregg S. Kleiner

gkleiner@rinconlawllp.com

(415) 996-8180

----- Forwarded message -----

From: **Sachs, Kevin A. (TRG)** <Kevin.Sachs@trgc.com>

Date: Tue, Aug 7, 2018 at 3:23 PM

Subject: RE: Gens

To: Gregg Kleiner <kleinergs@gmail.com>, "alex@canlawcorp.com" <alex@canlawcorp.com>

Cc: "Buchanan, Martha (CTC)" <Martha.Buchanan@cstitleco.com>

Alex - I would appreciate if you could send a letter to Martha Buchanan (copied) at the address below indicating that you consent to Cornerstone's release of the escrow funds pursuant to the instructions it receives from the trustee (with an email copy to me and Ms. Buchanan).

Gregg - we will need the trustee to sign disbursement/wiring instructions. Ms. Buchanan can assist in that regard. The process will also need to comply with the terms of the agreement set forth within the trustee's declaration, such as the provision by Wells Fargo of an updated payoff demand and reconveyance, to the extent that has not already occurred.

With that, we should be OK with disbursement.

Martha Buchanan | Senior Escrow Officer
CornerStone Title Company
[10125 S. De Anza Boulevard](#)
Cupertino, CA 95014

Kevin A. Sachs
Senior Counsel
Title Resource Group, LLC

-----Original Message-----

From: Gregg Kleiner <kleinergs@gmail.com>

Sent: Tuesday, August 7, 2018 1:30 PM

To: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>

Cc: alex@canlawcorp.com

Subject: Gens

Kevin,

I am in court with Alex Naegele. He just confirmed that he has no opposition to your client distributing the escrowed funds. He will confirm this if you ask

Gregg

Gregg

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EXHIBIT 5

From: Dean G. Rallis
Sent: Thursday, August 09, 2018 6:18 PM
To: 'Sachs, Kevin A. (TRG)'
Cc: Gregg Kleiner; Buchanan, Martha (CTC)
Subject: RE: Gens
Attachments: Doc 474 Order Releasing Proceeds (Gens).pdf

Kevin –

The Court's order seems fairly clear: "Cornerstone Title Company is **directed** to release the proceeds generated from the sale of the Property." (emphasis added) (See attached Order, which was also attached to Gregg Kleiner's email of August 2, 2018.)

This should be sufficient.

Dean

Dean G. Rallis Jr., Esq.

Anglin Flewelling Rasmussen Campbell & Trytten LLP (AFRCT)
301 N. Lake Ave, Suite 1100
Pasadena, CA 91101-4158
Direct Telephone: (626) 204-0261
Direct Facsimile: (213) 947-1107
Cell: (818) 634-9698
Email: drallis@afrcf.com

This electronic mail transmission is privileged and confidential and is intended only for the review of the party to whom it is addressed. If you have received this transmission in error, please immediately return it to the sender. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege.

From: Sachs, Kevin A. (TRG) [mailto:Kevin.Sachs@trgc.com]
Sent: Thursday, August 09, 2018 5:31 PM
To: Alex Naegele
Cc: Gregg Kleiner; Dean G. Rallis; Buchanan, Martha (CTC)
Subject: RE: Gens

I do not have the disbursement instructions and do not know whether they have been prepared.

Gregg, assuming you are OK with sending them to Alex's client, feel free to work with Martha Buchanan with regard to their preparation and transmission. I have copied her on this email.

Kevin A. Sachs
Senior Counsel
Title Resource Group, LLC

From: Alex Naegele <alex@canlawcorp.com>
Sent: Thursday, August 9, 2018 4:57 PM
To: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>

Cc: Gregg Kleiner <gkleiner@rinconlawllp.com>; Dean G. Rallis <drallis@afrc.com>

Subject: Re: Gens

Send it to me and I will send it to the client.

On Thu, Aug 9, 2018 at 4:35 PM, Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com> wrote:

Let me propose this: The parties provide you with a copy of their instructions to escrow. Your client then consents to escrow following those specific instructions, but nothing else, and she can make clear that she reserves any rights to argue that she is entitled to some or all of the funds. It's not a release, just a consent for escrow to take a specific, limited action. She could still have recourse if escrow failed to follow the instructions to which she consented. Shouldn't that address her concerns?

Kevin A. Sachs

Senior Counsel

Title Resource Group, LLC

From: Alex Naegele <alex@canlawcorp.com>

Sent: Thursday, August 9, 2018 3:26 PM

To: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>

Cc: Gregg Kleiner <gkleiner@rinconlawllp.com>; Dean G. Rallis <drallis@afrc.com>

Subject: Re: Gens

This is what I am unable to get from my client:

" We simply do not want to be in the position of being blamed for the release of the funds."

As I stated before, I don't think my appeal (regarding the limited issue of Wells Fargo being able to be paid and retain its lien) nor any stay pending appeal (which I do not intend to file for this limited appeal) in any way affects the escrow company's ability to pay the Trustee's professionals or the bank. I've spoken with Mr. Kleiner and Mr. Rallis regarding the law and they agree that this is what the law says.

My client, however, is not willing to release the escrow company in any way shape or form, which is effectively what you are asking my client to do.

On Thu, Aug 9, 2018 at 2:36 PM, Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com> wrote:

We do not need a general release. A letter indicating that your client consents to Cornerstone's release of the escrow funds pursuant to the instructions it receives from the trustee is sufficient. We simply do not want to be in the position of being blamed for the release of the funds.

Kevin A. Sachs

Senior Counsel

Title Resource Group, LLC

From: Alex Naegele <alex@canlawcorp.com>
Sent: Thursday, August 9, 2018 2:10 PM
To: Gregg Kleiner <gkleiner@rinconlawllp.com>
Cc: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>
Subject: Re: Gens

Yes as I stated on the phone my appeal is limited to the bank being paid and retaining their lien. Moreover, I do not anticipate filing a motion for stay pending appeal.

I asked my client if they would provide a general release to the title company and the answer was "no".

This letter might be construed as a general release so I'm trying to get client authority to write it.

On Thu, Aug 9, 2018 at 12:44 PM, Gregg Kleiner <gkleiner@rinconlawllp.com> wrote:

Alex,

Can you please pass on the requested letter to Kevin today?

Thanks

Gregg Kleiner

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## **EXHIBIT 6**

---

**From:** Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>  
**Sent:** Thursday, August 09, 2018 7:15 PM  
**To:** Dean G. Rallis  
**Cc:** Gregg Kleiner; Buchanan, Martha (CTC)  
**Subject:** RE: Gens

I don't think that's necessarily correct. Regardless, we seem to be making some progress, so unless you good folks are inclined to indemnify us for any loss or attorney's fees we may incur related to the release of the funds, let's keep moving down this path and hopefully things will be wrapped up soon.

Kevin A. Sachs  
Senior Counsel  
Title Resource Group, LLC

---

**From:** Dean G. Rallis <drallis@afrc.com>  
**Sent:** Thursday, August 9, 2018 6:18 PM  
**To:** Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>  
**Cc:** Gregg Kleiner <gkleiner@rinconlawllp.com>; Buchanan, Martha (CTC) <Martha.Buchanan@CSTitleCo.com>  
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Kevin –

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This should be sufficient.

Dean

**Dean G. Rallis Jr., Esq.**

Anglin Flewelling Rasmussen Campbell & Trytten LLP (AFRCT)  
301 N. Lake Ave, Suite 1100  
Pasadena, CA 91101-4158  
Direct Telephone: (626) 204-0261  
Direct Facsimile: (213) 947-1107  
Cell: (818) 634-9698  
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Subject: RE: Gens

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CornerStone Title Company  
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Cupertino, CA 95014

Kevin A. Sachs  
Senior Counsel  
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**C. ALEX NAEGELE, A PROFESSIONAL LAW CORPORATION**

95 S. Market Street, Suite 300 | San Jose, CA 95113

Tel: (408) 995-3224

Fax: (408) 890-4645

Email: [alex@canlawcorp.com](mailto:alex@canlawcorp.com)

Website: <http://www.canlawcorp.com>

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EXHIBIT 7

From: Alex Naegele <alex@canlawcorp.com>
Sent: Monday, August 13, 2018 11:48 AM
To: Sachs, Kevin A. (TRG)
Cc: Gregg Kleiner; Dean G. Rallis; Buchanan, Martha (CTC)
Subject: Re: Gens

The client has now given me express instructions to withdraw my prior non-opposition to the distribution of funds and to state that the client's official position is that they do not consent to the distribution of fund on any grounds.

On Thu, Aug 9, 2018 at 5:31 PM, Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com> wrote:

I do not have the disbursement instructions and do not know whether they have been prepared.

Gregg, assuming you are OK with sending them to Alex's client, feel free to work with Martha Buchanan with regard to their preparation and transmission. I have copied her on this email.

Kevin A. Sachs

Senior Counsel

Title Resource Group, LLC

From: Alex Naegele <alex@canlawcorp.com>
Sent: Thursday, August 9, 2018 4:57 PM

To: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>
Cc: Gregg Kleiner <gkleiner@rinconlawllp.com>; Dean G. Rallis <drallis@afrc.com>
Subject: Re: Gens

Send it to me and I will send it to the client.

On Thu, Aug 9, 2018 at 4:35 PM, Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com> wrote:

Let me propose this: The parties provide you with a copy of their instructions to escrow. Your client then consents to escrow following those specific instructions, but nothing else, and she can make clear that she reserves any rights to

argue that she is entitled to some or all of the funds. It's not a release, just a consent for escrow to take a specific, limited action. She could still have recourse if escrow failed to follow the instructions to which she consented. Shouldn't that address her concerns?

Kevin A. Sachs

Senior Counsel

Title Resource Group, LLC

From: Alex Naegele <alex@canlawcorp.com>
Sent: Thursday, August 9, 2018 3:26 PM
To: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>
Cc: Gregg Kleiner <gkleiner@rinconlawllp.com>; Dean G. Rallis <drallis@afrc.com>
Subject: Re: Gens

This is what I am unable to get from my client:

" We simply do not want to be in the position of being blamed for the release of the funds."

As I stated before, I don't think my appeal (regarding the limited issue of Wells Fargo being able to be paid and retain its lien) nor any stay pending appeal (which I do not intend to file for this limited appeal) in any way affects the escrow company's ability to pay the Trustee's professionals or the bank. I've spoken with Mr. Kleiner and Mr. Rallis regarding the law and they agree that this is what the law says.

My client, however, is not willing to release the escrow company in any way shape or form, which is effectively what you are asking my client to do.

On Thu, Aug 9, 2018 at 2:36 PM, Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com> wrote:

We do not need a general release. A letter indicating that your client consents to Cornerstone's release of the escrow funds pursuant to the instructions it receives from the trustee is sufficient. We simply do not want to be in the position of being blamed for the release of the funds.

Kevin A. Sachs

Senior Counsel

Title Resource Group, LLC

From: Alex Naegele <alex@canlawcorp.com>
Sent: Thursday, August 9, 2018 2:10 PM
To: Gregg Kleiner <gkleiner@rinconlawllp.com>
Cc: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>
Subject: Re: Gens

Yes as I stated on the phone my appeal is limited to the bank being paid and retaining their lien. Moreover, I do not anticipate filing a motion for stay pending appeal.

I asked my client if they would provide a general release to the title company and the answer was "no".

This letter might be construed as a general release so I'm trying to get client authority to write it.

On Thu, Aug 9, 2018 at 12:44 PM, Gregg Kleiner <gkleiner@rinconlawllp.com> wrote:

Alex,

Can you please pass on the requested letter to Kevin today?

Thanks

Gregg Kleiner

Rincon Law LLP

(415)996-8180

gkleiner@rinconlawllp.com

Begin forwarded message:

From: "Sachs, Kevin A. (TRG)" <Kevin.Sachs@trgc.com>
Date: August 9, 2018 at 12:38:33 PDT
To: Gregg Kleiner <gkleiner@rinconlawllp.com>
Cc: "Buchanan, Martha (CTC)" <Martha.Buchanan@CSTitleCo.com>
Subject: Re: Gens

We have not yet received the letter from Alex.

On Aug 9, 2018, at 12:11 PM, Gregg Kleiner <gkleiner@rinconlawllp.com> wrote:

Kevin,

Any update on this?

Gregg Kleiner

Rincon Law LLP

(415)996-8180

gkleiner@rinconlawllp.com

On Aug 7, 2018, at 17:05, Gregg Kleiner <gkleiner@rinconlawllp.com> wrote:

Kevin and Alex,

Ms. Buchanan has received instructions from the Bank. I do not have access to them at the moment (I'm on my way out of town on a short vacation). The instructions from the bank follow and comply with the provisions of the court's order and the distribution agreement. The trustee will work with Ms. Buchanan in getting her instructions signed.

Thank you both for your assistance.

Gregg

Gregg S. Kleiner

gkleiner@rinconlawllp.com

----- Forwarded message -----

From: **Sachs, Kevin A. (TRG)** <Kevin.Sachs@trgc.com>

Date: Tue, Aug 7, 2018 at 3:23 PM

Subject: RE: Gens

To: Gregg Kleiner <kleinergs@gmail.com>, "alex@canlawcorp.com" <alex@canlawcorp.com>

Cc: "Buchanan, Martha (CTC)" <Martha.Buchanan@cstitleco.com>

Alex - I would appreciate if you could send a letter to Martha Buchanan (copied) at the address below indicating that you consent to Cornerstone's release of the escrow funds pursuant to the instructions it receives from the trustee (with an email copy to me and Ms. Buchanan).

Gregg - we will need the trustee to sign disbursement/wiring instructions. Ms. Buchanan can assist in that regard. The process will also need to comply with the terms of the agreement set forth within the trustee's declaration, such as the provision by Wells Fargo of an updated payoff demand and reconveyance, to the extent that has not already occurred.

With that, we should be OK with disbursement.

Martha Buchanan | Senior Escrow Officer
CornerStone Title Company
[10125 S. De Anza Boulevard](#)
Cupertino, CA 95014

Kevin A. Sachs
Senior Counsel
Title Resource Group, LLC

-----Original Message-----

From: Gregg Kleiner <kleinergs@gmail.com>

Sent: Tuesday, August 7, 2018 1:30 PM

To: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>

Cc: alex@canlawcorp.com

Subject: Gens

Kevin,

I am in court with Alex Naegele. He just confirmed that he has no opposition to your client distributing the escrowed funds. He will confirm this if you ask

Gregg

Gregg

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EXHIBIT 8

From: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>
Sent: Monday, August 13, 2018 12:34 PM
To: Alex Naegele
Cc: Gregg Kleiner; Dean G. Rallis; Buchanan, Martha (CTC)
Subject: RE: Gens

Importance: High

Alex:

I would guess that your client's lack of a position at this point in time will not satisfy the other parties, and it is frankly frustrating for Cornerstone, as there are clear procedural steps that your client can take if she disputes the order in question. Accordingly, Cornerstone may very well decide to interplead the funds as a result of the dispute. As you may know, courts as a matter of course award all attorney's fees incurred by the interpleading party from the funds in dispute. As your client has an interest in approximately \$100K of the funds (which I understand she will receive if she consents to the release), I would expect the significant expense incurred in filing such an application in federal court would be deducted from her portion of the funds. In light of this, please advise by noon tomorrow as to your client's final position with regard to the release of the funds.

Kevin

Kevin A. Sachs
Senior Counsel
Title Resource Group, LLC

From: Alex Naegele <alex@canlawcorp.com>
Sent: Monday, August 13, 2018 11:59 AM
To: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>
Cc: Gregg Kleiner <gkleiner@rinconlawllp.com>; Dean G. Rallis <drallis@afrc.com>; Buchanan, Martha (CTC) <Martha.Buchanan@CSTitleCo.com>
Subject: Re: Gens

I don't know yet - still trying to figure out what the client wants

On Mon, Aug 13, 2018 at 11:49 AM, Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com> wrote:

Will you be filing a request for a stay?

Kevin A. Sachs

Senior Counsel

Title Resource Group, LLC

From: Alex Naegele <alex@canlawcorp.com>
Sent: Monday, August 13, 2018 11:48 AM
To: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>
Cc: Gregg Kleiner <gkleiner@rinconlawllp.com>; Dean G. Rallis <drallis@afrc.com>; Buchanan, Martha (CTC) <Martha.Buchanan@CSTitleCo.com>
Subject: Re: Gens

The client has now given me express instructions to withdraw my prior non-opposition to the distribution of funds and to state that the client's official position is that they do not consent to the distribution of fund on any grounds.

On Thu, Aug 9, 2018 at 5:31 PM, Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com> wrote:

I do not have the disbursement instructions and do not know whether they have been prepared.

Gregg, assuming you are OK with sending them to Alex's client, feel free to work with Martha Buchanan with regard to their preparation and transmission. I have copied her on this email.

Kevin A. Sachs

Senior Counsel

Title Resource Group, LLC

From: Alex Naegele <alex@canlawcorp.com>
Sent: Thursday, August 9, 2018 4:57 PM

To: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>
Cc: Gregg Kleiner <gkleiner@rinconlawllp.com>; Dean G. Rallis <drallis@afrc.com>
Subject: Re: Gens

Send it to me and I will send it to the client.

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Let me propose this: The parties provide you with a copy of their instructions to escrow. Your client then consents to escrow following those specific instructions, but nothing else, and she can make clear that she reserves any rights to argue that she is entitled to some or all of the funds. It's not a release, just a consent for escrow to take a specific, limited action. She could still have recourse if escrow failed to follow the instructions to which she consented. Shouldn't that address her concerns?

Kevin A. Sachs

Senior Counsel

Title Resource Group, LLC

From: Alex Naegele <alex@canlawcorp.com>
Sent: Thursday, August 9, 2018 3:26 PM
To: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>
Cc: Gregg Kleiner <gkleiner@rinconlawllp.com>; Dean G. Rallis <drallis@afrc.com>
Subject: Re: Gens

This is what I am unable to get from my client:

" We simply do not want to be in the position of being blamed for the release of the funds."

As I stated before, I don't think my appeal (regarding the limited issue of Wells Fargo being able to be paid and retain its lien) nor any stay pending appeal (which I do not intend to file for this limited appeal) in any way affects the escrow company's ability to pay the Trustee's professionals or the bank. I've spoken with Mr. Kleiner and Mr. Rallis regarding the law and they agree that this is what the law says.

My client, however, is not willing to release the escrow company in any way shape or form, which is effectively what you are asking my client to do.

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We do not need a general release. A letter indicating that your client consents to Cornerstone's release of the escrow funds pursuant to the instructions it receives from the trustee is sufficient. We simply do not want to be in the position of being blamed for the release of the funds.

Kevin A. Sachs

Senior Counsel

Title Resource Group, LLC

From: Alex Naegele <alex@canlawcorp.com>
Sent: Thursday, August 9, 2018 2:10 PM
To: Gregg Kleiner <gkleiner@rinconlawllp.com>
Cc: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>
Subject: Re: Gens

Yes as I stated on the phone my appeal is limited to the bank being paid and retaining their lien. Moreover, I do not anticipate filing a motion for stay pending appeal.

I asked my client if they would provide a general release to the title company and the answer was "no".

This letter might be construed as a general release so I'm trying to get client authority to write it.

On Thu, Aug 9, 2018 at 12:44 PM, Gregg Kleiner <gkleiner@rinconlawllp.com> wrote:

Alex,

Can you please pass on the requested letter to Kevin today?

Thanks

Gregg Kleiner

Rincon Law LLP

(415)996-8180

gkleiner@rinconlawllp.com

Begin forwarded message:

From: "Sachs, Kevin A. (TRG)" <Kevin.Sachs@trgc.com>
Date: August 9, 2018 at 12:38:33 PDT
To: Gregg Kleiner <gkleiner@rinconlawllp.com>

Cc: "Buchanan, Martha (CTC)" <Martha.Buchanan@CSTitleCo.com>

Subject: Re: Gens

We have not yet received the letter from Alex.

On Aug 9, 2018, at 12:11 PM, Gregg Kleiner <gkleiner@rinconlawllp.com> wrote:

Kevin,

Any update on this?

Gregg Kleiner

Rincon Law LLP

(415)996-8180

gkleiner@rinconlawllp.com

On Aug 7, 2018, at 17:05, Gregg Kleiner <gkleiner@rinconlawllp.com> wrote:

Kevin and Alex,

Ms. Buchanan has received instructions from the Bank. I do not have access to them at the moment (I'm on my way out of town on a short vacation). The instructions from the bank follow and comply with the provisions of the court's order and the distribution agreement. The trustee will work with Ms. Buchanan in getting her instructions signed.

Thank you both for your assistance.

Gregg

Gregg S. Kleiner

gkleiner@rinconlawllp.com

(415) 996-8180

----- Forwarded message -----

From: **Sachs, Kevin A. (TRG)** <Kevin.Sachs@trgc.com>

Date: Tue, Aug 7, 2018 at 3:23 PM

Subject: RE: Gens

To: Gregg Kleiner <kleinergrs@gmail.com>, "alex@canlawcorp.com" <alex@canlawcorp.com>

Cc: "Buchanan, Martha (CTC)" <Martha.Buchanan@cstitleco.com>

Alex - I would appreciate if you could send a letter to Martha Buchanan (copied) at the address below indicating that you consent to Cornerstone's release of the escrow funds pursuant to the instructions it receives from the trustee (with an email copy to me and Ms. Buchanan).

Gregg - we will need the trustee to sign disbursement/wiring instructions. Ms. Buchanan can assist in that regard. The process will also need to comply with the terms of the agreement set forth within the trustee's declaration, such as the provision by Wells Fargo of an updated payoff demand and reconveyance, to the extent that has not already occurred.

With that, we should be OK with disbursement.

Martha Buchanan | Senior Escrow Officer
CornerStone Title Company
[10125 S. De Anza Boulevard](#)
Cupertino, CA 95014

Kevin A. Sachs
Senior Counsel
Title Resource Group, LLC

-----Original Message-----

From: Gregg Kleiner <kleinergrs@gmail.com>

Sent: Tuesday, August 7, 2018 1:30 PM

To: Sachs, Kevin A. (TRG) <Kevin.Sachs@trgc.com>

Cc: alex@canlawcorp.com

Subject: Gens

Kevin,

I am in court with Alex Naegele. He just confirmed that he has no opposition to your client distributing the escrowed funds. He will confirm this if you ask

Gregg

Gregg

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C. ALEX NAEGELE, A PROFESSIONAL LAW CORPORATION

95 S. Market Street, Suite 300 |San Jose, CA 95113

Tel: (408) 995-3224

Fax: (408) 890-4645

Email: alex@canlawcorp.com

Website: <http://www.canlawcorp.com>

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**CERTIFICATE OF SERVICE**

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the City of Pasadena, California; my business address is Anglin, Flewelling, Rasmussen, Campbell & Trytten LLP, 301 N. Lake Avenue, Suite 1100, Pasadena, California 91101.

On the date below, I served the within following document(s) entitled:

- **DECLARATION OF DEAN G. RALLIS JR. IN SUPPORT OF WELLS FARGO'S MOTION FOR ORDER COMPELLING CORNERSTONE TITLE COMPANY'S COMPLIANCE WITH PRIOR COURT ORDERS REGARDING DISBURSEMENT OF REMAINING SALE PROCEEDS**

on all interested parties in said case addressed as follows:

***Served Electronically Via The Court's CM/ECF System***

*Attorneys for Debtor Laura A. Gens:*

Nancy Weng, Esq.  
TSAO-WU & YEE, LLP  
31 N. Second Street, Suite 260  
San Jose, California 95113-1203  
Tel.: (415) 777-1688  
Fax: (415) 777-2298  
Email: nweng@tsaoyee.com;  
steve.kolkey@gmail.com

*Office of the United States Trustee:*

OFFICE OF THE UNITED STATES TRUSTEE  
280 S. First Street, Suite 268  
San Jose, California 95113-3000  
Tel.: (408) 535-5525  
Fax: (408) 535-5532  
Email: USTPRegion17.SJ.ECF@usdoj.gov

*Attorneys for Chapter 7 Trustee*

Gregg S. Kleiner, Esq.  
RINCON LAW LLP  
268 Bush Street, Suite 3335  
San Francisco, California 94104-3503  
Tel.: (415) 996-8180  
Fax: (415) 680-1712  
Email: gkleiner@rinconlawllp.com,  
aworthing@rinconlawllp.com

*Attorneys for Debtor Laura A. Gens:*

C. Alex Naegele, Esq.  
C. ALEX NAEGELE, A PROF'L LAW CORP.  
95 S. Market Street, Suite 300  
San Jose, California 95113-2350  
Tel.: (408) 995-3224  
Fax: (408) 890-4645  
Email: alex@canlawcorp.com;  
AlexCR74753@notify.bestcase.com

*Chapter 7 Trustee*

DORIS A. KAELIN  
P.O. Box 1582  
Santa Cruz, California 95061-1582  
Tel.: (831) 600-8093  
Email: dktrustee@gmail.com; C139@ecfcbis.com

***Served By Means Other Than Electronically Via the Court's CM/ECF System***

*Interested Party*

Cornerstone Title Company  
c/o Corporate Creations Network Inc.  
as Agent for Service of Process  
4640 Admiralty Way, 5th Floor  
Marina Del Rey, California 90292

*Interested Party*

Cornerstone Title Company  
Attn: Officer  
10125 S. De Anza Boulevard  
Cupertino, California 95014

*Interested Party*

Cornerstone Title Company  
c/o Kevin Sachs, Esq.  
Title Resource Group, LLC  
801 N. Brand Boulevard, Suite 400  
Glendale, California 91203

☒ **BY MAIL:** I am readily familiar with the firm's practice of collection and processing correspondence by mailing. Under that same practice it would be deposited with U.S. Postal Service on that same day with postage fully prepaid at Pasadena, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

*Chambers Copies to the Honorable Stephen L. Johnson:*

Anna Lee, Courtroom Deputy  
UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
280 S. First Street, Room 3035  
San Jose, California 95113  
Tel.: (408) 278-7515

☒ **BY OVERNIGHT MAIL SERVICE:** I am readily familiar with the firm's practice of collection and processing of correspondence by Golden State Overnight Delivery Services (GSO). Under that same practice it would be deposited on today's date in a GSO collection receptacle in Pasadena, California, for delivery within 48 hours, with instructions to bill sender on the label.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the bar of this Court, at whose direction the service was made. This declaration is executed in Pasadena, California on August 16, 2018.

Marianne Mantoen  
(Type or Print Name)

/s/ Marianne Mantoen  
(Signature of Declarant)